

BOARD OF COUNTY COMMISSIONERS

Lee Hearn, Chairman
Edward Gibbons, Vice Chairman
Eric K. Maxwell
Charles W. Oddo
Charles D. Rousseau

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. Smith, County Clerk
Marlena Edwards, Chief Deputy County Clerk



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

February 24, 2022
5:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 5:00 p.m.

Call to Order

Vice Chairman Edward Gibbons called the February 24, 2022 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Vice Chairman Edward Gibbons

Vice Chairman Edward Gibbons offered the Invocation and led the Board and audience in the Pledge of Allegiance.

Acceptance of Agenda

Vice Chairman Gibbons moved to accept the agenda as written with the addition of item #22. Consideration of the approval of grant funds awarded to the Griffin Judicial Circuit. Commissioner Oddo seconded. The motion passed 5-0.

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

Commissioner Oddo recused himself from discussion of item #1 and left the public meeting room.

- 1. Consideration of Petition No. RP-079-22, Justin M. Brown, Owner, and Brad C. Barnard, Agent, request to revise the Major Final Plat of Platinum Ridge Subdivision by adding 19.3 acres of property from an adjacent tract to an existing 5.09 acre lot; property located in Land Lot 62 of the 7th district and fronts Platinum Ridge Pointe.**

Vice Chairman Gibbons moved to approve Petition No. RP-079-22, Justin M. Brown, Owner, and Brad C. Barnard, Agent, request to revise the Major Final Plat of Platinum Ridge Subdivision by adding 19.3 acres of property from an adjacent tract to an existing 5.09 acre lot; property located in Land Lot 62 of the 7th district and fronts Platinum Ridge Pointe. Commissioner Maxwell seconded. The motion passed 4-0-1, Commissioner Oddo recused himself.

Commissioner Oddo returned to the Public Meeting room.

- 2. Consideration of Petition No. 1313-21 A, Phillip & Thomas Real Estate Holdings, LLC, Owner, and William T. James, Agent, request to rezone 2.09 acres from R-70 to R-45 to develop a residential subdivision; property is located on Land Lot 21 of the 7th District and fronts in Eastin Road and Sandy Creek Road.**

Interim Planning and Zoning Director Chanelle Blaine read the Introduction to Public Hearings for rezoning.

Ms. Blaine stated that both staff and the Planning Commission recommended denial of this request and there were no conditions.

Randy Boyd stated that he was the representative for Williams James the owner of the two lots in question. Mr. Boyd stated that he would be discuss this item and the preceding item together because they were sister request, involving neighboring lots and the same rezoning request.

Mr. Boyd stated that Mr. James owns two two-acre lots which was part of a three-lot subdivision that was developed in 1990. He stated that behind these properties along Sandy Creek Road was a 1-acre lot zoned R-45. Mr. Boyd stated that the request was to take the two two-acre lots and split the four acres into three lots, along with the rezoning request from R-70 to R-45. He acknowledged that initially the request was for four lots, but they decided to revise the request to three lots. Mr. Boyd stated that this change was because he reviewed comments made by Fayette County Public Works Director Phill Mallon regarding concerns related to the proposed site distance from Sandy Creek Road and not allowing any lot frontage along Sandy Creek. He stated the revised request for the three lots would allow the petitioner to comply with this request. Mr. Boyd stated that the neighboring lot was currently zoned R-45 and although this was done in 1990 he asked the Board for the same consideration in reviewing this request. Mr. Boyd stated that Mr. James owns two two-acre lots that can currently be developed, he's asking to rezone these properties from R-70 to R-45 so he can combine these lots and create three lots where he plans to build a house for himself and his two sisters.

Chairman Hearn asked if there was anyone in favor of the rezoning petition.

Mr. James stated that originally the request was for four one-acre lots since then the request was revised. He stated that there was a neighboring lot that was zoned R-45, which was the same designation he was seeking for his property. Mr. James stated that the homes he planned to build would meet the aesthetics and aura of the surrounding community and noted that these homes would be in the \$700K+ price range.

Micheal Hall of Fayetteville stated that he was a new resident in Fayetteville after having his home built here in May of 2021. He added stating that although he was a new resident of Fayetteville he had been in love with the community for a long time. Mr. Hall stated that he and Mr. James were friends and noted that he admired his current home and was in favor of this petition. He stated that currently there was nothing on the proposed property and the proposed three homes would add to the aesthetics of the community.

Chairman Hearn asked if there was anyone in opposition of the rezoning petition.

Ron Reams of Fayetteville stated that he was in favor of people having a nice place to live and noted that it sounded like Mr. James wanted to build that. He continued stating that he and his wife lived in the community for 23 years and had participated in the Comprehensive Plan survey. With this in mind he stated that it was his understanding that the minimum lot size was two acres. Mr. Hall rhetorically questioned why have a Comprehensive Plan if every time a request is submitted it gets changed. Mr. Reams also expressed his concerns regarding increased traffic at the Eastin Road and Sandy Creek Road intersection and would create a hazard in this area, particularly, if road access driveways are allowed at the corner of these roads. Mr. Reams stated that he was against this request.

Russell Starett of Fayetteville stated that he lived at the neighboring property mentioned by Mr. James that was zoned R-45. He continued stating that the acreage was actually 1.3 acres not one acre and was zoned prior to him purchasing the property in 2016. He stated that the wisdom of Planning and Zoning was on display as you rode down Sandy Creek Road. The spacing and acreage of the lots was designed and intentional and the will of the people of the community. Mr. Starett stated that to have well curated and planned development was essential and that is what was shown in that area to go against the Comprehensive Plan would be a disservice. Mr. Reams stated that this was an avoidable issue because the zoning acreage requirements were well-known.

Jeff Giglio of Fayetteville stated that he moved to Fayette County in 1989 because he enjoyed and recognized the beauty of the openness and terrain. He stated that at that time there was no Comprehensive Plan but was done years later. He continued stating that the Comprehensive Plan was very detailed regarding what its purpose was for the county. Mr. Giglio stated that this petition had been denied by staff, the Planning Commission and the Public works Department specifically because of the number of driveway cuts. He also stated that he found it inappropriate that the request was changed at the last minute, not allowing the public enough time to review the changes. Mr. Giglio stated that the Board recognized the retirement of former Community Services Director Pete Frisina who served the community for 32 years and who took pride in the work he accomplished in planning/development efforts throughout Fayette County. He stated that if it did not make sense to recognize him for his work, then turn around and approve a rezoning contrary to the Comprehensive Plan he diligently put in place as subject matter expert.

Mr. Boyd stated that it was his suggestion to make the three 1.4 acre lots because of the comments made by Phil Mallon regarding safety concerns, he continued stating that the request was not asking for three separate entrances because it would not comply with Public Works safety concerns. Mr. Boyd stated that two of the driveways could be combined with one on the corner lot and a combined secondary one. He noted that this would equate to the same net result of two driveway cuts which the owner can do currently. Mr. Boyd provided the Board a map that highlighted the rezoned R-45 properties in the area over the last 30+ years, and although there were some developments that had been rezoned it was not an overwhelming amount. He noted that he did not have a crystal ball to predict the future; he did not foresee this request opening the floodgates for others in the future. Mr. Boyd asked for the Board approval of Mr. James' request.

Commissioner Rousseau asked procedurally if the proposal that had been passed out to the Board and the request that was presented before the Board were the same.

Mr. Rapson stated that before the Board was the same rezoning request, but instead of four homes there may only be three.

Commissioner Rousseau stated that he considered that to be highly inappropriate. What was officially requested had been properly documented and the Board had an opportunity to review and digest it. He continued stating that this revision was presented at the last minute and had not been vetted by the Planning Commission or been available for public review and comment. Commissioner Rousseau stated that he was not prepared to accept the revised request because it had not been properly presented before the Board in his opinion.

County Attorney Dennis Davenport stated that the petition before the Board was a request to rezone the property to R-45, whether the owner could build three or four lots was immaterial, the fact was it would still be within the R-45. He stated that the property owner had the right to build three or four lots if they could fit within the zoning. Mr. Davenport stated that he felt the Petitioner was trying to show a representation of how the property layout would work with three lots instead of four, however, the underlying zoning was still the same. Mr. Davenport stated that if the zoning type had changed then the process would have needed to start over because the zoning district would be different.

Commissioner Rousseau stated that he understood that the rezoning aspect of the request was the same but stated that hearing the other changes for the first time during the presentation caused him pause without having the opportunity to review it.

Commissioner Maxwell stated that he had similar concerns. He stated that he had gone out and viewed the property and the surrounding area, but there were no documents provided to the Board that showed the requested changes to the three parcels. Commissioner Maxwell stated that he was unsure what staff, or the Planning Commissioner would say about the change from four to three lots and if this would affect the recommendation. Commissioner Maxwell asked what size lots were in the neighborhood on the back side of the property.

Mr. Giglio stated they were anywhere between two and eight acres.

Commissioner Maxwell stated that he was not sure if it was the best night to make a decision on this request.

Mr. Boyd asked if the Petition could be withdrawn and resubmitted.

Mr. Davenport stated, "No". Once the petition had started there must be a vote, withdrawal was no longer an option. He added that it could have been withdrawn prior to the Public Hearing beginning but once the hearing starts withdrawal is not an option.

Commissioner Oddo asked what the outlined timeframe was the Petitioner could bring back the request.

Mr. Davenport stated that if the Board denied the request there would be a bar in place the Petitioner would have to recognize before he could reapply for the same rezoning.

Commissioner Oddo stated that it has been his practice to conform with the land use plan and to try and not waver from it. He stated that he appreciated the Petitioners efforts, but the neighboring property rezoning was done so long ago, the intent of R-45 today was much different. Commissioner Oddo added that even if the Petitioner reapplied in future and it still did not conform, he would still be hard pressed not to approve the request.

Commissioner Oddo moved to deny Petition No. 1313-21 A, Phillip & Thomas Real Estate Holdings, LLC, Owner, and William T. James, Agent, request to rezone 2.09 acres from R-70 to R-45 to develop a residential subdivision; property is located on Land Lot 21 of the 7th District and fronts in Eastin Road and Sandy Creek Road. Vice Chairman Gibbons seconded. The motion passed 5-0.

3. Consideration of Petition No. 1313-21 B, Phillip & Thomas Real Estate Holdings, LLC, Owner, and William T. James, Agent, request to rezone 2.09 acres from R-70 to R-45 to develop a residential subdivision; property located in Land Lot 21 of the 7th District and fronts on Eastin Road.

No one spoke in favor or in opposition.

Vice Chairman Gibbons moved to deny Petition No. 1313-21 B, Phillip & Thomas Real Estate Holdings, LLC, Owner, and William T. James, Agent, request to rezone 2.09 acres from R-70 to R-45 to develop a residential subdivision; property located in Land Lot 21 of the 7th District and fronts on Eastin Road. Commissioner Oddo seconded. The motion passed 5-0.

4. Consideration of Petition No. 1316-21 A, Elaine S. Powers, Owner, and Richard P. Lindsey, Agent, request to rezone 1.68 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.

Ms. Blaine stated that staff recommended denial of the request for C-C and recommended the approval of L-C1 with one condition, however, that condition had been satisfied per Public Works and the Environmental Management Department. She added that the Planning Commission recommended approval of C-C with one condition that had already been fulfilled.

Rick Lindsey asked as clarification if the one condition referenced by the Planning Commission was the same condition requested by staff that had been fulfilled.

Ms. Blaine confirmed the condition had been fulfilled as outlined by the Public Works Department.

Mr. Lindsey stated he was representative for the Petitioners Sam and Nadia Saunyadi. He stated that they were requesting approval of this property and the four properties following this item from A-R to C-C. He stated that staff had recommended approval of L-C1 zoning, which was discussed in the Land Use/ Comprehensive Plan for the County however since the Comp Plan was adopted several years ago, the world of retail had changed dramatically and currently there were about 17 different

uses that were permitted under the L-C1 zoning of which about between five and six were no longer viable options. Mr. Lindsey stated this request was to present a retail center that was modern day but paid homage to times past as it relates to the esthetics and looks. He stated that the site location was at the intersection of State Route 74 and State Route 85 south of Peachtree City, which was a very important intersection within the County. Mr. Lindsey provided the Board with several visuals that outlined the site structure, proposed dimensions, and design concept of the retail center. He stated that the space would be broken down into between four and five uses, with one of these uses being a convenience store with a small gas pump component with no more than six pumps to keep the center small. Mr. Lindsey stated that this center would take on the architectural design and appearance of Starr's Mill, as the Starr's Mill historic district overlay required. Mr. Lindsey highlighted various features of the center that would mimic a historical area with the pitched roof, wood siding, and covered awnings. He noted that this center would have more of a homegrown/local feel not like the larger chain gas stations we see today. Mr. Lindsey stated that in looking at the Comprehensive Plan the goal of the plan was to keep this area small and to keep development in the area from becoming anything like a regional development like big box stores like Home Depot or Lowes. However, the problem with L-C1 the uses that are permitted are too restrictive to make this project economically viable. He stated what his clients are seeking was a local space that would service the underserved citizens in that area. He added that the convenience store/gas station was needed to be the attraction/anchor store for the center. Mr. Lindsey added that this request meets the Comprehensive Plan and asked for Board approval.

No one spoke in favor or in opposition.

Commissioner Maxwell stated that this request had created a unique situation. He noted that it was not typical for Planning and Zoning staff and the Planning Commission to provide differing recommendations. He stated that he was very familiar with the property and was involved in the condemnation of the south portion of the property. Commissioner Maxwell stated that the property used to be residential with a small store that has since been removed. Commissioner Maxwell asked if this property's northern neighbor was a church.

Mr. Lindsey confirmed that New Hope Baptist Church was the just north of the site. The church also help property across the street which was used as a teen center. The area was no longer conducive to residential use, which was why they request was asking for the commercial use. He stated that they agreed with the commercial use designation, however the L-C1 uses did not permit the small gas station and were too restrictive and not economically viable for the applicants to pursue.

Commissioner Maxwell stated that that was his understanding in reviewing these requests, that the Planning Commission was trying to help figure out a way the development could work. He acknowledged that some may have concerns of the possibility of an explosion, but this project would not be a large chain but a small local retail center. Commissioner Maxwell stated that in the discussion Mr. Lindsey mention the retail space would be either 10,000 sq. ft. or 12,000 sq. ft. he asked how the size of the space would be determined.

Mr. Lindsey stated that various factors went into making this determination. He stated that this would depend on the approved zoning and any required setback or buffer, and/or any restrictions and the applicable overlay would all have to be considered.

Commissioner Maxwell asked what other business would fill the five 2000 sq ft. unit spaces.

Mr. Lindsey stated that it would depend on the market. It could be a beauty salon, barber shop, or donut shop.

Vice Chairman Gibbons stated that he had concerns and wanted to know what type of impact this retail center would have on the traffic in the area.

Mr. Lindsey stated that the way it had been designed there was a right in and right out only on State Route 74 so as not to create or increase any cross over traffic. The only entrance from State Route 85 was in the far western end, pulling traffic off of the intersection.

Commissioner Oddo stated a similar project came before the Board several years ago involving the overlay issue along with the rezoning. He stated that he ended up voting against the overlay because at the time he felt gas stations were reasonable. Commissioner Oddo stated that in talking about the overlay to preserve the historic look of the area but asked if these efforts was preserving the historic look or recreating it. He added that he added a few concerns and expressed his desire to review the overlay to determine its time for it to be updated. He stated that to him these were to separate issues and admitted that he did not know how to proceed.

Mr. Rapson clarified what was before the Board as it was outlined in the agenda package. He noted that staff's recommendation was L-C1, and the request was for C-C. Mr. Rapson stated that if the request was approved and the property was rezoned to C-C the overlay district would still be in effect but that primarily controls the architectural or esthetics of the building which had been presented. The two major deviation between the C-C zoning and the L-C1 was a drive through was permitted under the C-C rezoning classifications with possible condition along with the L-C1 restricted the use of gas pumps and the L-C2 would restrict the number to six pumps.

Mr. Lindsey stated that they would agree to the six pumps.

Mr. Davenport stated that the Board should be careful when adding conditions to uses that were contrary to the zoning ordinance.

Commissioner Maxwell asked how they could make this work and stated that he wanted to align with the recommendation of the Planning Commission.

Mr. Rapson reiterated that staff's recommendation was a deny of C-C and approval of L-C1 which would restrict the gas pumps and drive-thru.

Commissioner Maxwell asked Mr. Davenport how he could approve the rezoning to C-C, limiting the property to six pumps, which Mr. Lindsey agree to put in the title. Would this fix the problem.

Mr. Davenport stated that he could not control what Mr. Lindsay would or would do and added that he didn't fell that the Board had the authority to condition the petitioner to fix his did for those purposes. Mr. Davenport stressed his concern with the Board adding conditions to uses that were contrary to the zoning ordinance. He noted that the limit for gas pumps was twelve in the C-C zoning district why would they limit this property to six and what was the basis for doing so. He added that they could put a condition on that use overall but that's different then conditioning this one property.

Commissioner Maxwell stated that this would require a zoning ordinance change.

Mr. Davenport stated that was correct.

Commissioner Oddo asked again if the Board should be reviewing the overlay itself first, since it acts as a guide to what was allowed and asked if the overlay permitted gas stations.

Mr. Davenport stated that overlay was not gas station specific it was architecturally specific. Whatever use would be allowed in the overlay district would be governed by the architectural standards of the overlay district.

Ms. Blaine stated that the Land Use Plan specifically said that the C-C, C-H, and L-C2 was not designated for that area only L-C1.

Mr. Davenport added that the overlay would fit over whatever use is there for the architectural standards.

Chairman Hearn stated that based on the layout of the property the space was limited and probably could not fit more than six to eight pumps.

Mr. Lindsey conferred with his client and her confirmed that the limited pump would be in the chain of title, he acknowledged that the Board could not require it.

Commissioner Rousseau stated that the Board wanted to see new development in the County specifically in dormant properties. However, this request created a unique challenge in that staff and the Planning Commission had differing recommendations. He acknowledged he was stuck at in quagmire in considering this request. He stated that he would be prone to lean toward the staff's recommendation. Commissioner Rousseau stated that an opportunity may have been missed to look into this area as it related to the Comprehensive Plan and growth and possible updating.

Commissioner Oddo asked if this property could be rezoned C-C.

Ms. Blaine stated that the C-C zoning would go against the Land Use Plan which is usually not approved.

Commissioner Maxwell moved to approve Petition No. 1316-21 A, Elaine S. Powers, Owner, and Richard P. Lindsey, Agent, request to rezone 1.68 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South. Vice Chairman Gibbons seconded

Commissioner Oddo stated that he understood the merit in voting to deny this item because it did not conform but he also did want to see the project completed. He asked what the best process would be to fix this issue.

Ms. Blaine stated that the Board would need amend the Future Land Use Map.

Commissioner Maxwell stated that if this project was denied the six to twelve months until the Future Land Use Map was reviewed and/or updated would essentially kill the project. He sated that a decision needed to be made now.

Commissioner Maxwell moved to approve Petition No. 1316-21 A, Elaine S. Powers, Owner, and Richard P. Lindsey, Agent, request to rezone 1.68 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South. Vice Chairman Gibbons seconded. The motion passed 3-2, with Commissioner Oddo and Commissioner Rousseau voting in opposition.

5. Consideration of Petition No. 1316-21 B, DARRS, LLC, Owner, and Richard P. Lindsey, Agent, request to rezone .09 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.

No one spoke in favor or in opposition.

Commissioner Maxwell moved to approve Petition No. 1316-21 B, DARRS, LLC, Owner, and Richard P. Lindsey, Agent, request to rezone .09 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South. Vice Chairman Gibbons seconded. The motion passed 3-2, with Commissioner Oddo and Commissioner Rousseau voting in opposition.

6. Consideration of Petition No. 1316-21 C, Estate of Yvonee B. Hammett, Owner, and Richard P. Lindsey, Agent, request to rezone 0.42 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.

Commissioner Maxwell moved to approve Petition No. 1316-21 C, Estate of Yvonee B. Hammett, Owner, and Richard P. Lindsey, Agent, request to rezone 0.42 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South. Vice Chairman Gibbons seconded. The motion passed 3-2 with Commissioner Oddo and Commissioner Rousseau voting in opposition.

- 7. Consideration of Petition No. 1316-21 D, Edna Ann Hayes-Edwards, Owner, and Richard P. Lindsey, Agent, request to rezone 0.41 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.**

No one spoke in favor or in opposition.

Commissioner Maxwell moved to approve Petition No. 1316-21 D, Edna Ann Hayes-Edwards, Owner, and Richard P. Lindsey, Agent, request to rezone 0.41 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South. Vice Chairman Gibbons seconded. The motion passed 3-2, Petition No. 1316-21 D, Edna Ann Hayes-Edwards, Owner, and Richard P. Lindsey, Agent, request to rezone 0.41 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.

- 8. Consideration of Petition No. 1316-21 E, Laverne Hand Starr & Buddy Hand, Owners, and Richard P. Lindsey, Agent, request to rezone 1.08 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.**

No one spoke in favor or in opposition.

Commissioner Maxwell moved to approve Petition No. 1316-21 E, Laverne Hand Starr & Buddy Hand, Owners, and Richard P. Lindsey, Agent, request to rezone 1.08 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South. Vice Chairman Gibbons seconded. The motion passed 3-2, Petition No. 1316-21 E, Laverne Hand Starr & Buddy Hand, Owners, and Richard P. Lindsey, Agent, request to rezone 1.08 acres from A-R to C-C to develop a Commercial Retail Center; property located in Land Lot 8 of the 6th District, and fronts on SR 85 South and SR 74 South.

- 9. Consideration of Petition No. 1317-22, Kenneth L Ennis, Owner, and Jahnee Prince, Agent, request to rezone 10.002 acres from C-H Conditional to C-H to amend Condition(s) 1-4 to develop a self-storage facility; property located in Land Lot (s) 69 & 70 of the 5th District, and fronts on SR 85 South.**

Ms. Blaine stated that both staff and Planning Commission recommended approval with two conditions as follows 1. The plan indicates that the overhead power (OHP) line that bisects the site will be relocated to the east side of the site. The perimeter landscape strip should be located outside the OHP easement. (This condition will be administered by Public Works/Environmental Management.) 2. Development shall provide an integrated style of Stormwater management. Techniques should be used to create water quality/ runoff reduction facilities that can be used as green spaces within the new and existing development. (This condition will be administered by Public Works/Environmental Management.)

Jahnee Prince stated that she was a Representative the Parker Poe Law Firm. She stated that the subject property was already zoned C-H which allows self- storage facilities, but while permits were being reviewed staff determined that there had been conditions of zoning placed on the property in 1987 that restricted the property to only shopping centers. Ms. Prince provided the Board with a brief outline of the request.

No one spoke in favor or in opposition.

Vice Chairman Gibbons moved to approve Petition No. 1317-22, Kenneth L Ennis, Owner, and Jahnee Prince, Agent, request to rezone 10.002 acres from C-H Conditional to C-H to amend Condition(s) 1-4 to develop a self-storage facility; property located in Land Lot (s) 69 & 70 of the 5th District, and fronts on SR 85 South with two conditions. Commissioner Rousseau seconded.

Mr. Davenport asked if the Petitioner agreed to the two conditions.

Ms. Prince stated that they would agree to both conditions but stated that she felt one of the conditions needed for clarification.

Environmental Management Director Bryan Keller stated that the goal of this condition was to keep the tree out from under nether the power lines because, if the power company needed work on the lines the trees would have to be taken down and then replaced, this would help avoid that issue. This condition would remove them from that easement.

Vice Chairman Gibbons moved to approve Petition No. 1317-22, Kenneth L Ennis, Owner, and Jahnee Prince, Agent, request to rezone 10.002 acres from C-H Conditional to C-H to amend Condition(s) 1-4 to develop a self-storage facility; property located in Land Lot (s) 69 & 70 of the 5th District, and fronts on SR 85 South with two conditions. Commissioner Rousseau seconded. The motion passed 5-0.

PUBLIC COMMENT:

CONSENT AGENDA:

Commissioner Oddo moved to accept the Consent Agenda as written. Vice Chairman Gibbons seconded. The motion passed 5-0.

- 10. Approval of staff's recommended Mid-Year Budget Adjustments to the fiscal year 2022 budget and approval to close completed Capital Improvements Plan (CIP) Projects.**
- 11. Approval of an agreement between CSX Transportation Inc, Fayette County, and the Georgia Department of Transportation for the Coastline Road Railroad Bridge replacement (GDOT PI 0015647 / 2004 SPLOST B-1).**
- 12. Approval of the February 10, 2022 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

- 13. Consideration of the Selection Committee's recommendation to appoint Gary Rower to the Fayette County Board of Elections for a term beginning February 1, 2022 and expiring January 31, 2026.**

Vice Chairman Gibbons stated that he and Commissioner Rousseau interviewed seven applicants for the Board of Elections open position. He stated that all of the applicants were very enthusiastic and well qualified. Vice Chairman Gibbons stated that their goal was to select someone who was completely non-partisan and who placed an emphasis on enforcing the election laws of Georgia.

Chairman Hearn thanked Mr. Rower for his willingness to serve.

Commissioner Maxwell stated that Mr. Lester had served on the Board of Elections about twelve years so he hoped Mr. Rower would also be able to serve for a long time too.

Chairman Hearn stated that he and Mr. Rower were not related in any way at all.

Vice Chairman Gibbons moved to appoint Gary Rower to the Fayette County Board of Elections for a term beginning February 1, 2022 and expiring January 31, 2026. Commissioner Rousseau seconded. The motion passed 5-0.

14. Consideration of staff's recommendation to extend the existing Transfer Station Operations Agreement with Waste Management Inc. for an additional 180 days.

Mr. Rapson stated that there had been discussion with Waste Management regarding operational improvements as well as some rate adjustments. He stated that Waste Management had been working with their staff to comprise some of these improvements. Mr. Rapson stated that there were some issues regarding the property permit and restrictions associated with it. As a result, some of the plans were hindered and nearing the end of the contract. Mr. Rapson continued stating that this six-month extension would allow them time to provide the operational improvements and cost adjustments by the end of March. He stated that then he could come to the Board with a new contract in April or May; if a new contract cannot be reached this would still allow enough time to put out an RFP and go out for solicitation.

Commissioner Rousseau commended Waste Management for the repaving efforts of the facility that had been done over the last few years to better serve their patrons. However, he was less impressed with their customer service level. Commissioner Rousseau stated that Waste Management did not answer the phones and their signage was confusing and outdated. He continued stating he would love for the contract discussions to include the need for a heightened response level and a focus on customer care.

Commissioner Oddo moved to approve to extend the existing Transfer Station Operations Agreement with Waste Management Inc. for an additional 180 days. Vice Chairman Gibbons seconded. The motion passed 5-0.

15. Consideration of staff's recommendation to award RFP #2019-P Parks & Recreation Multi-use Facility for Architectural & Engineering Services to Lose Design, LLC in the amount of \$535,000 and approval to transfer \$159,386.34 available surplus from various Capital Improvement Projects, and \$100,000 from Recreation Maintenance and Operations.

Fayette County Parks and Recreation Director Anita Godbee stated that it was her pleasure to discuss moving forward with the design and architectural service for the Parks and Recreation Multi-use facility. Mrs. Godbee stated that the primary goal of this facility was to replace the existing Kiwanis Park facility with a new 33,000 sq. ft. facility. She stated that Fayette County enlisted proposals from qualified consultants that had experience in providing architectural, engineering, and design service for multi-use facilities to meet the needs of the citizens as well as to ensure it was financially feasible and economically rewarding. She stated that there were sixteen bids submitted, two of the firms were disqualified prior to the evaluation committee's review. Mrs. Godbee stated that fourteen proposals were evaluated and scored by the evaluation committee utilizing both the technical merit and price. The evaluation committee was comprised of staff from Parks and Recreation, Public Works, Building Safety, Building & Grounds Maintenance, and Environmental Management. She stated that due to the number of proposals received and the range in scores, a short list of firms with the highest scoring evaluations to present oral presentations and further evaluation. The evaluation committee then scored the four firms, and the highest overall score was Lose Design, LLC. Mrs. Godbee outlined some of the services they provided would include site analysis, concept design, design and development etc... She added that the Purchasing department checked references, and everything came back highly favorable. She stated that staff was recommending approval to award RFP #2019-P Parks & Recreation Multi-use Facility for Architectural & Engineering Services to Lose Design, LLC in the amount of \$535,000 and approval to transfer the necessary funds to fully fund the cost of services.

Chairman Hearn asked where Lose Design LLC, home office was located.

Ms. Godbee stated that Lose Design LLC was present at the Board Meeting and added that they had an Atlanta Office and a national office.

Whit Alexander Principal owner with Lose Design LLC stated that the office that would be working on this project was in Gwinnett County.

Chairman Hearn stated that the reason he asked was because he enjoyed doing business with local firms, and he considered Gwinnett County local enough. He added that as a professional engineer he knew the difference between good and bad plans and was putting them on notice that Fayette County required excellence.

Commissioner Maxwell asked about the scoring and why there was such a difference in the scoring and why the lowest priced bidder was not awarded.

Mr. Rapson stated that when this project was placed out for bid the award qualifications were set at 70% based on technical merit and 30% based on price. With this in mind the score was based on a point system that factored both technical merit and price.

Vice Chairman Gibbons stated that this project was a best value competition and had to be awarded based on the best value not best price.

Mr. Rapson stated that in looking at this project we now have a better idea of the actual cost of this facility, which could be closer to a \$10M-\$15M project, and one of the projects put on Special Purpose Local Option Sales Tax (SPLOST). And from a technical point of view the four aspects of the technical scoring that were key included: understanding the approach, project team and individual experience, primary firms' qualifications, and scheduling and resource availability. He added all of these components combined to create the technical score, which was ideal for a company that focused on multi-use/recreational facilities. Mr. Rapson stated that he was sure he could have found developers in the market that would have developed a recreational building for the first time, but that would not be what was best for Fayette County.

Commissioner Rousseau stated that his sentiment had always been that the goal was to provide the lowest responsible bidder and that does not always mean the lowest bidder. He stated that with $\frac{3}{4}$ of the firm's staff dedicated to the proposition of recreation /multi-use facilities design this project would head in a positive direction. Commissioner Rousseau stated that he had discussed with Mrs. Godbee the need for community input, which was critically important to the design. He encourages everyone involved to be open minded and flexible as the project evolves. Commissioner Rousseau commended Mrs. Godbee for her years of service and as she continued to fight for this facility. Commissioner Rousseau asked Mr. Alexander if he was a registered member of GRPA.

Mr. Alexander stated yes, they were.

Commissioner Rousseau stated that GRPA was the Georgia Recreation and Park Association.

Commissioner Rousseau moved to approve to award RFP #2019-P Parks & Recreation Multi-use Facility for Architectural & Engineering Services to Lose Design, LLC in the amount of \$535,000 and approval to transfer \$159,386.34 available surplus from various Capital Improvement Projects, and \$100,000 from Recreation Maintenance and Operations. Vice Chairman Gibbons seconded. The motion passed 5-0.

16. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Richard Hand, for tax years 2018, 2019, 2020 in the aggregated amount of \$406.82.

County Attorney Dennis Davenport stated that this request stemmed from a transaction that occurred in 2008 in the widening of State Route 74. He stated that this request involved property being acquired from an estate as opposed to individuals that had

previously purchased the property. Mr. Davenport stated that when the transfer was made to Georgia Department of Transportation (GDOT) in 2008 the names on the deed were different than what was expected because it was from an estate that was not filed and it involved the heirs of the estate. Because of the lack of supplemental documentation to make the connection between the names on the deed conveying the property and the names on the deed placing the prior owners in ownership of the property, the title was never changed in the Tax Assessor's Office. Mr. Davenport continued stating that the following year the estate was billed again and paid the taxes. He noted that the Georgia Department of Transportation (GDOT) owned the property, but the estate was billed in error since 2008. He stated this issue was brought to the County's attention by Mr. Brad Sears who notified the county of a tax refund request on the Hand estate. Mr. Davenport stated that although we know this was an error and a tax bill should not have gone out since 2008, the statute of limitations of 3 years comes into play. Mr. Davenport stated that he was recommending a refund for tax years 2018, 2019, 2020 in the aggregated amount of \$406.82.

Ms. Sandra Greenleaf stated that she was a decedent of the Frank Hand estate. Ms. Greenleaf expressed her frustration and stated that her goal was to honor her mother's wishes to pay the property taxes for the estate as required. She stated that she does not know how the error went on so long, since 2008. She urged the Board to do the right thing.

Commissioner Rousseau reiterated that state law prohibited the Board from going back further than three years. He suggested she speak with her State Representative or in the future perhaps the Board could in situations like this these review with the State, the statute of limitations for possible revision. Commissioner Rousseau commended her grandmother for her perseverance and dedication in raising and providing for her family. He thanked Ms. Greenleaf for telling her story.

Commissioner Maxwell explained to Ms. Greenleaf that unfortunately the statute of limitation was three years Board could only go back three years. The Board had to follow the law.

Commissioner Rousseau moved to approve the disposition of tax refund, as requested by Richard Hand, for tax years 2018, 2019, 2020 in the aggregated amount of \$406.82. Vice Chairman Gibbons seconded. The motion passed 5-0.

17. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Kelly Brooks, for tax year 2020 in the amount of \$1,075.87.

Mr. Davenport stated that this request was regarding a property in Brooks where a structure was moved from the property and the Tax Assessors Office was unaware that the structure had been moved and the property was assessed as if the structure was still there. Mr. Davenport stated that he was recommending a refund for tax year 2020 in the amount of \$1,075.87.

Vice Chairman Gibbons moved to approve the disposition of tax refund, as requested by Kelly Brooks, for tax year 2020 in the amount of \$1,075.87. Commissioner Oddo seconded. The motion passed 5-0.

18. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Heather Scott, for tax years 2018, 2019 and 2020 in the aggregated amount of \$994.96.

Mr. Davenport stated that this tax refund involved a difference in the square footage of the home. He stated that an error on the property record card the square footage was shown as 1962 sq. ft. but should be 1800 sq. ft., this was verified by the Tax Assessors Office. Mr. Davenport stated that he recommended a refund for tax years 2018, 2019 and 2020 in the aggregated amount of \$994.96.

Commissioner Rousseau moved to approve the disposition of tax refund, as requested by Heather Scott, for tax years 2018, 2019 and 2020 in the aggregated amount of \$994.96. Vice Chairman Gibbons seconded. The motion passed 5-0.

19. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Pamela Bouie, for tax years 2018 and 2019 in the aggregated amount of \$1,070.91.

Mr. Davenport stated that this tax refund request was also an error on the property record card, the property record card showed the structure was 1.75 stories when its 1.5 stories as well as the square footage showing as 5835 as opposed to the correct square footage of 5038. Mr. Davenport stated that he recommended a refund for tax years 2018 and 2019 in the aggregated amount of \$1,070.91.

Ms. Bouie asked why tax year 2020 was not included.

Mr. Davenport clarified that there was a tax appeal on the property in 2020 which is what brought this request before the Board, as a result the appeal itself corrected the value of 2020.

Commissioner Rousseau moved to approve the disposition of tax refund, as requested by Pamela Bouie, for tax years 2018 and 2019 in the aggregated amount of \$1,070.91. Vice Chairman Gibbons seconded. The motion passed 5-0.

20. Consideration of the County Attorney's recommendation to deny the disposition of tax refund, as requested by Generations Auto Body and Restoration LLC, for tax year 2020.

Mr. Davenport stated that this was a tax refund that the Board did not see often, because it was a refund for personal property. He stated that when someone returns their personal property, they provide the value, and they have a deadline to do so. Once that value is provided the Tax Assessors accepts it. He added that if a mistake was made it would have to be corrected the following year. He stated that the refund request system was only in place when the Tax Assessors make an error and typically its limited to real property. As a result, he was recommending denial of this tax refund request

Commissioner Rousseau moved to approve denial of the disposition of tax refund, as requested by Generations Auto Body and Restoration LLC, for tax year 2020. Vice Chairman Gibbons seconded. The motion passed 5-0.

21. Consideration of the County Attorney's recommendation to deny the disposition of tax refund, as requested by Diana Ross-McCullough, for tax year 2019.

Mr. Davenport stated that this tax refund involved the timing of the filing of a homestead exemption. He stated that a homestead exemption was filed by the property owner in October of 2019, however the homestead exemption deadline was April 1. So, the October 2019 filing would affect the 2020 tax year. As a result, he was recommending denial of this tax refund request

Commissioner Rousseau moved to approve denial of tax refund, as requested by Diana Ross-McCullough, for tax year 2019. Vice Chairman Gibbons seconded. The motion passed 5-0.

22. Consideration of the approval of grant funds awarded to the Griffin Judicial Circuit in the amount of \$789,969, effective March 1, 2022, and approval to pay the County's portion of \$196,042.

Commission Rousseau moved to approve grant funds awarded to the Griffin Judicial Circuit in the amount of \$789,969, effective March 1, 2022, and approval to pay the County's portion of \$196,042. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

A: Georgia County Internship Program Grant Agreement – Association County Commissioners of Georgia (ACCG) Civic Affairs Foundation, Inc. – State Court

B: Georgia County Internship Program Grant Agreement – Association County Commissioners of Georgia (ACCG) Civic Affairs Foundation, Inc. – Solicitor General Office

C: Georgia County Internship Program Grant Agreement – Association County Commissioners of Georgia (ACCG) Civic Affairs Foundation, Inc. – Water System

Mr. Rapson stated that staff passed on Board rezoning approvals would be amended the Land Use Plan the, the overlay district, and the Comprehensive Plan.

Mr. Rapson also advised that the Board of Commissioner held the LOST Negotiation Meeting with the municipalities. They would be moving forward with the distributions once all four of the cities' approvals are received the Board would then ratify the Local Option Sales Tax (LOST) at the same time as the service delivery strategy.

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

Commissioner Rousseau


Commissioner Rousseau apologize for his absence at the Local Option Sales Tax (LOST) Negotiation Meeting

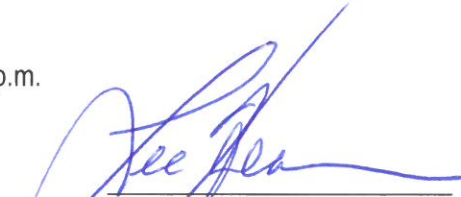
EXECUTIVE SESSION:

ADJOURNMENT:

Chairman Hearn moved to adjourn the February 24, 2022 Board of Commissioners meeting. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

The February 24, 2022 Board of Commissioners meeting adjourned at 5:55 p.m.


Marlena M. Edwards, Chief Deputy County Clerk


Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 10th day of March 2022. Referenced attachments are available upon request at the County Clerk's Office.


Marlena Edwards, Deputy County Clerk

